

FILED
TIME 7:49AM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

APR 19 2016

RICHARD W. NAGEL
Clerk of Court
CINCINNATI, OHIO

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
FOR AN ORDER AUTHORIZING THE
INSTALLATION AND USE OF A
CONCEALED REMOTE CAMERA
OVERLOOKING THE ADDRESS RANGE OF
1300-1400 SECTION ROAD CINCINNATI,
OHIO 45237

CASE NO.

1 : 16 MJ - 248

APPLICATION

(UNDER SEAL)

APPLICATION FOR INSTALLATION AND USE
OF CONCEALED REMOTE CAMERA

The United States of America, moving by and through AUSA Timothy D. Oakley, its undersigned counsel, respectfully submits under seal this *ex parte* Application for an order pursuant to Title 28, United States Code, Section 1651, the All Writs Act, directing Duke Power to install, and allowing the United States government to use, a concealed utility-pole or remote camera outside and overlooking the address range of 1300-1400 Section Road Cincinnati, Ohio 45237.

In support of this Application, the United States asserts:

1. I am an attorney for the Government as defined in Rule 1(b)(1) of the Federal Rules of Criminal Procedure and therefore may apply for an order authorizing the installation and use of a concealed utility-pole or remote camera.

2. Special Agent Stephen Wajert of the Internal Revenue Service has represented to me that the Internal Revenue Service, Federal Bureau of Investigation, and the Cincinnati Police Department are conducting a criminal investigation in connection with violations of 18 U.S.C. § 1956(a)(1)(B)(i), 18 U.S.C. § 1956(h), U.S.C. § 1957, 21 U.S.C. § 841, and/or 21 U.S.C. § 846. It is believed that the subject of the investigation is using property and facilities located at and/or in the vicinity of the address range of 1300-1400 SECTION ROAD CINCINNATI, OHIO

45237 in furtherance of said offenses; therefore, the information likely to be obtained from said concealed utility-pole or remote camera is relevant to the ongoing criminal investigation.

3. Specifically, Special Agent Stephen Wajert has represented to me the following: The Internal Revenue Service, Federal Bureau of Investigation, and the Cincinnati Police Department are conducting a criminal investigation of DARRYL BROWN within the Southern District of Ohio and elsewhere. As part of the investigation, agents gathered intelligence that has led them to believe that the address range of 1300-1400 SECTION ROAD CINCINNATI, OHIO 45237 is an integral part of the criminal activities.

4. Law enforcement believes, with evidentiary support, that the address range of 1300-1400 SECTION ROAD CINCINNATI, OHIO 45237 is being used by DARRYL BROWN, in the Southern District of Ohio. It is believed DARRYL BROWN is utilizing the residence for purposes of furtherance his scheme to commit money laundering in the vicinity of the given address range; 1300-1400 SECTION ROAD CINCINNATI, OHIO 45237. However, agents have determined that due to the nature of the investigation, normal routine surveillance risks compromising the investigation due to historical criminal violence in the area and limited ingress/egress routes for vehicular surveillance units in the vicinity of said location. It has been determined the utilization of a remote camera is needed.

5. I submit, based upon representations by Special Agent Stephen Wajert, that there are reasonable grounds to believe that the observations enabled by a utility-pole or remote camera will be relevant and material to the ongoing criminal investigation. I therefore request that the Court issue an order authorizing the installation and use of a remote camera overlooking the address range of 1300-1400 SECTION ROAD CINCINNATI, OHIO 45237.

6. I further request that the order direct the furnishing of information, facilities, and technical assistance necessary to unobtrusively accomplish the installation and operation of said camera by Duke Power. Duke Power shall be compensated by the Internal Revenue Service

and/or the Federal Bureau of Investigation for reasonable expenses incurred in complying with the order.

7. Applicant further requests that the Application and order be sealed until otherwise ordered by the Court, and that the order direct Duke Power, the Internal Revenue Service, Federal Bureau Of Investigation, and the Cincinnati Police Department, and their agents and employees not to disclose, to any person, the existence of the Application, Order, or of the investigation unless or until otherwise ordered by the Court.

8. WHEREFORE, it is respectfully requested that the Court enter an order: (1) authorizing the installation and use of a concealed utility-pole or remote camera overlooking the address range of 1300-1400 SECTION ROAD CINCINNATI, OHIO 45237; (2) directing Duke Power to furnish agents of the Internal Revenue Service, Federal Bureau of Investigation and the Cincinnati Police Department with all information, facilities, and technical assistance necessary to accomplish the unobtrusive installation and operation of said camera; and (3) sealing this Application and the Court's order.

I assert, based upon representations made to me by SA Stephen Wajert, that the foregoing is true and correct.

Executed this 18th day of April, 2015.

Respectfully submitted,

BENJAMIN C. GLASSMAN
Acting United States Attorney

s/Timothy D. Oakley
TIMOTHY D. OAKLEY (0039965)
Assistant United States Attorney
221 East Fourth Street, Suite 400
Cincinnati, Ohio 45202
Office: (513) 684-3711
Fax: (513) 684-2047
E-mail: Tim.Oakley@usdoj.gov